

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

LEROY MARTINEZ

V.

WEST WIND EXPRESS, INC.

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§
§

C.A. NO.

NOTICE OF REMOVAL

Defendant, West Wind Express, Inc. through undersigned counsel, petitions this court pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, for removal of this action currently filed in the 341ST Judicial District Court of Webb County, Texas. In support of this petition, Defendant states as follows:

BACKGROUND

1. On January 9 2014, Plaintiff, Leroy Martinez filed an Original Petition against West Wind Express, Inc., alleging personal injuries in a traffic incident with a motor vehicle and a tractor trailer. This Petition is styled, *Leroy Martinez v. West Wind Express, Inc.*, Cause No. 2015 CVT000143 D3, and was filed in the 341ST Judicial District Court of Webb County, Texas.

Diversity of Citizenship

2. Plaintiff is a resident of Laredo, Texas. Defendant, West Wind Express, Inc. is a corporation organized under the laws of the State of Illinois with its principle place of business in Chicago, Illinois. Therefore, there is complete diversity betweenong the parties.

Basis for Removal Based on Diversity Jurisdiction

3. This cause may be removed pursuant to 28 U.S.C. Section 1441(a). “Any civil action brought in state court of which the District Courts of the United States have original jurisdiction, may be removed by the Defendant... to the District Court of the United States for

the district and division embracing the place where such action is pending.” This court has jurisdiction over this matter under 28 U.S.C. Section 1332 because there is complete diversity between the parties and the amount in controversy is greater than \$75,000.00. Plaintiff has specifically pled damages in excess of \$200,000.00 (see Plaintiff’s Original Petition).

Timely Filed

4. This Notice of Removal is filed with this Court within thirty (30) days of service of the initial pleading upon the removing Defendant, as required by 28 U.S.C. § 1446(b).

5. Defendant is entitled to remove this action to the United States District Court for the Southern District of Texas, Laredo Division, where the state court action is currently on file.

6. Pursuant to 28 U.S.C. § 1445(b)(2)(A), all Defendants who have been properly joined have consented to the removal of the action.

Compliance With Notice Requirements

7. Pursuant to 28 U.S.C. 1446(d), written notice of the filing of this instrument has been contemporaneously given to the Plaintiff. A true and correct copy of this Notice of Removal has been contemporaneously attached as an exhibit with a written notice of removal filed with the clerk of State Court.

8. The District Clerk for Webb County, Texas, has been given written notice of the filing of this Notice of Removal.

9. Defendant, therefore, respectfully requests the removal of this action from the 341ST Judicial District Court of Webb County, Texas.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David W. Prasifka', is written over a horizontal line.

David W. Prasifka

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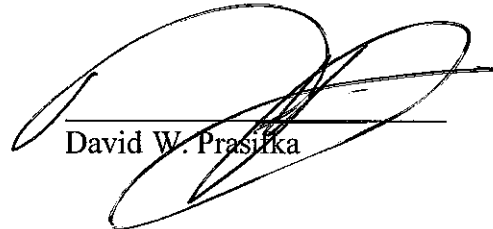
**Attorney for Defendant,
West Wind Express, Inc.**

OF COUNSEL:

LORANCE & THOMPSON, P.C.

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of February, 2015, a true and correct copy of the foregoing document was provided to the following parties by mail, efile, courier service, or telefax transmission pursuant to the Federal Rules of Civil Procedure.



David W. Prasitka